

PROTECTIVE PAYEE HANDBOOK



Department of Social and Health Services

Division of Employment and Assistance Programs

Protective Payee Handbook
Updated July 1, 2002

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Chapter 1: Introduction

Section 1.1 - Who is a Protective Payee?

A protective payee is a person or an employee of an agency who manages participants' cash benefits to provide for basic needs - housing, utilities, clothing, child care, and food. They may also provide services such as training clients how to manage money.

Section 1.2 - When is a Protective Payee assigned?

- a) Participants are assigned to protective payees for the following reasons:
 - i) Emergency or temporary situations where a child is left without a caretaker (TANF/SFA);
 - ii) Mismanagement of money (TANF/SFA, General Assistance, or Working Connections Child Care);
 - iii) Non-cooperation with WorkFirst program requirements; or
 - iv) Is a pregnant or parenting minor.

Chapter 2: Roles and Responsibilities

Section 2.1 - How do I account for a participant's cash benefits?

Protective Payees are responsible to:

- a) Open and maintain a non-interest-bearing checking account for the participants' funds.
 - i) You may use up to \$1,000 of your own money (seed money) if needed to open the account and to cover various bank charges.
 - ii) Only the participant's DSHS cash benefits and the vendor's "seed" money can be deposited and disbursed from the bank account under the DSHS protective payee contract. When participants receive funds from both Social Security Administration (SSA) and the department, a separate bank account must be established to manage SSA funds.
- b) For each participant, maintain separate ledgers to record the receipt and disbursement of funds;
- c) Ensure participant's funds are disbursed according to the Protective Payee Plan and are not used to pay the cost of:
 - i) Operating your account; or,
 - ii) Business, such as checks, postage, printing, or telephone services which are your sole responsibility.
- d) Ensure the participant's rent/mortgage and utility payments are paid on time to avoid late charges. You must pay late charges caused by you from your own funds.
- e) Handle on a case-by-case basis, the obligation of who will pay the "stop payment" charge on checks, as follows:
 - i) You are responsible for the charges if you mailed or gave a check to a landlord or any other vendor.
 - ii) It is the responsibility of the participant to pay the "stop payment" costs if they are given a check to pay a bill and later report it was lost or stolen. If

this happens more than once, you should use another way of delivery for paying vendor bills for these participants.

- iii) You may allow the participant to pay the “stop payment” in order to reissue the check promptly or make the participant wait ten days for a check to clear before another is check is written.
- f) Never advance or loan money to participants. If there is an emergency, the Protective Payee should refer the participant to the CSO to see if other funds are available to cover emergency needs.
- g) Never write checks at the participant’s request for other bills not contained in the Protective Payee Plan.
- h) Contact the DSHS regional contract manager to complete the criminal background check process for any new hires or back-ups.

If you are unable to meet any of the above requirements, you must report the issue to DSHS within one business day.

Section 2.2 - What records must I keep?

- i) The following records are kept in a secure location:
 - i) Protective Payee Plan (DSHS 14-349);
 - ii) Protective Payee Assessment (DSHS 14-349A);
 - iii) Money management training plan;
 - iv) All financial records;
 - v) Participant’s mail from DSHS;
 - vi) Protective Payee Report (DSHS 01-110);
 - vii) Protective Payee Periodic Social Services Report (DSHS 01-110A);
 - viii) Protective Payee Quarterly Fiscal Report (DSHS 01-110B);
 - ix) Protective Payee Report Continuation (DSHS 01-110C);
 - x) Protective Payee Case Assignment and Closure (DSHS 14-426);

- xi) Case notes pertaining to participant activity;
- xii) Pre-sale receipts or receipts for all Child SafetyNet Payment purchases; and
- xiii) Any other information related to the participant activity with the Protective Payee.

Section 2.3 - What do I do with participant's mail?

You receive a copy of all notices and letters that are sent to the participants. This allows you to stay current with important information about the participant's case. You should open the mail, date stamp, read, and file the mail in the participant's case file.

If you receive a Medical ID Card (MAIDS), give it to the participant as close to the first of the month as possible.

Section 2.4 - What should I do if I lose contact with the participant?

If you do not hear from a participant, within the first fifteen days of a month, check the participant's status in e-JAS or contact the CSO and close the account unless advised otherwise by the CSO.

When a case is closed, mail the remainder of the participant's funds with the following information to the address below: participant's name, their AUID number, amount of funds returned and the time period for which the funds cover, and an explanation as to why the funds are being returned to the Office of Accounting Services. The check is to be made out to "DSHS". Note this action on the DSHS 01-110.

Department of Social and Health Services
Office of Accounting Services
PO Box 9501
Olympia, Washington 98507-9501

Section 2.5 - What do I report to DSHS?

Every three months, you must complete the Protective Payee Periodic Social Services Report DSHS 01-110A and submit it to the local CSO. The Protective Payee Periodic Social Services Report provides a summary of social services information about the participant, and contains recommendations for additional services you believe are needed, as well as information on whether you feel the participant is ready to resume management of his or her own funds.

Section 2.6 - How am I to treat participants assigned to me?

The department requires you to act in a professional manner. You are not required to provide services to participants who are intoxicated, belligerent, or threatening.

Participants are often extremely unhappy to be assigned to a Protective Payee. The first meeting or two with a participant may be quite tense – but in most cases a working relationship develops. If this does not happen, DSHS may assign another Protective Payee.

Section 2.7 - Where can I meet with participants?

You are not required to have an office for meeting with participants. You must establish a safe, convenient place to meet the participants such as a meeting room, library, community center, or local church. You must meet with each participant at least once per month to provide them with any funds they are due and to discuss their budget and expenditures. Additional time may be needed if the Protective Payee Plan includes money management training.

State property cannot be used to conduct regular Protective Payee business unless it is the lobby of the CSO. When in the CSO on Protective Payee business, you must clearly show they are a contracted vendor by wearing a visitor badge.

Section 2.8 - What hours must I keep?

You must keep regular office hours or arrange appointment times that meet the needs of the participant and yourself.

You must have a message service, answering machine, or other message capability available between 8:00 AM to 5:00 PM, Monday through Friday, except for state holidays. You must respond to telephone messages within 24 hours or the next working day.

Section 2.9 - What happens when I go on vacation or am temporarily unable to do the job?

You must provide DSHS with a back-up contact for vacation coverage, while doing other business for a few days, or in case of emergency. The back-up Protective Payee needs to be familiar with the contract, this handbook, all procedures, and records needed to conduct the work. You must notify DSHS if you are going to require more than one month of back-up.

Chapter 3: Working with Participants

Section 3.1 - How are participants referred to me?

If you have e-JAS access, participants are referred through e-JAS by DSHS using an automated e-message. If you do not have access to the e-JAS system, DSHS will use another form of communication with you, such as e-mail, fax, or mail.

With or without e-JAS access, you will also receive three DSHS forms. They are the:

- Protective Payee Assessment (DSHS 14-349A);
- Protective Payee Plan (DSHS 14-349); and the,
- Protective Payee Vendor Case Assignment and Closure (DSHS 14-426).

You must accept or reject the referral and notify DSHS within three business days of receiving the three DSHS forms. DSHS must be able to communicate with you within one business day.

Participants can be transferred from one Protective Payee to another Protective Payee. Workers take this action at the request of the Protective Payee, the request of the participant or as determined by DSHS. DSHS will notify you of this change using the Protective Payee Vendor Case Assignment and Closure (DSHS 12-426) form as soon as possible.

When a non-English speaking participant is referred, the CSO worker will arrange for interpreter services if needed. You can also request interpreter services by contacting DSHS.

When a Necessary Supplemental Accommodations (NSA) participant is referred, the CSO worker is responsible to notify and work with you to ensure you meet the participant's needs. These participants may need your help to complete paperwork or to obtain information due to difficulties with reading, writing, hearing, verbal comprehension, mental orientation, drug/alcoholism, or physical impairments. DSHS will contact you directly and let you know the particular accommodations that are appropriate on the case.

Section 3.2 - What payments do I make and what activities should I do?

DSHS will provide instructions to you regarding each participant using the Protective Payee Plan (DSHS 14-349). This plan will state what payments you will make on behalf of the participant. If you are unable to make payments as required on the protective payee plan, you must notify DSHS within one business day of the time you are unable to make a required payment.

Protective Payee Plans can be modified. Frequently Protective Payees identify issues that prevent participants from becoming self reliant, for example: old traffic tickets which prevent getting a driver's license, lack of insurance, and lack of stable housing. You should request changes to a Protective Payee Plan if a need is not identified and funds can be made available to pay it. If there is a change in the plan, DSHS will provide a copy of the revision to you and the participant within in one business day.

Section 3.3 -What types of Referrals will I get?

Below is a list of the types of referrals you may receive.

a) Emergency or temporary situations where a child is left without a caretaker (e-JAS code PP)

DSHS assigns an emergency or temporary Protective Payee when a caretaker relative or adult acting in loco parentis is not available to take care of and supervise a child due to an emergency.

b) Mismanagement of funds (e-JAS code PP)

DSHS assigns a person to a protective payee because of mismanagement of funds based on law or with proof the client is unable to manage their cash benefits.

c) Working Connections Child Care (WCCC) (e-JAS code PP)

DSHS assigns a Protective Payee when the participant is not regularly paying their in-home child care provider. In this case, you may only use the funds to make the in-home provider payments.

d) Pregnant or Parenting Teens (e-JAS code PP)

DSHS assigns a Protective Payee if the pregnant or parenting minor clients are:

- 1) Head of household and
- 2) Under age 18 and
- 3) Unmarried and
- 4) Pregnant or have a dependent child.

e) Non-cooperation with the WorkFirst program

Sanction (e-JAS code SA and PP)

DSHS assigns a Protective Payee when the participant is in non-compliance with WorkFirst requirements.

Child SafetyNet Payment Status (CSNP) (e-JAS code SN and PP)

DSHS assigns a Protective Payee when a participant is not complying with WorkFirst requirements and is past the 60-month time limit for TANF/SFA. The cash benefits will be sent to you. No money is given to the participant after paying housing and utilities.

Participants who are receiving the Child SafetyNet Payment will never receive any of their cash benefits. You will pay the participant's expenses as described in the Protective Payee Plan (beginning with housing and utility expenses, with any remaining funds used to meet the needs of the eligible children in the home).

DSHS will inform you when there is a change from sanction to the Child SafetyNet Payment status or back to sanction. Participants will only move from a Child SafetyNet Payment to sanction on the first of the month. If you have e-JAS access, you will receive an automated e-message through e-JAS when the SN (Child SafetyNet Payment) code is closed and the SA (sanction) code is entered. (If you do not have access to the e-JAS system, DSHS will use another form of communication with you, such as e-mail, fax, or mail.) You will also receive a new Protective Payee Plan (DSHS 14-349) with instructions on how to disperse the client's funds.

Section 3.4 – What Can I Purchase with a Child SafetyNet Payment?

Payments may be made for the child(ren) according to the chart on the next page. To determine the amount, you request a pre-sale receipt (or other proof of the expense) from the participant and make the check out to the store for exact amount on the receipt. Make a notation on the check describing what the check is for.

For any requests not contained in this list, you should contact the social worker/case manager to discuss the purchase.

Suggested Allowable Child SafetyNet Payment (CSNP) Expenses

| |
|--|
| <u>Household Supplies</u> |
| Cleaning supplies |
| Paper products |
| Personal hygiene |
| Diapers |
| <u>Education</u> |
| Tuition |
| School field trips (School documentation required. Can include fee and lunch if applicable.) |
| Extra curricular school activities (School documentation required. Items can include sports fees, uniforms, ASB card) |
| School supplies (School supply list or letter from the school required. Items can include backpack or book bag, paper, pencils, pens, crayons, folders, binder, glue, basic calculator) |
| Physical Education Class clothing requirements (School supply list required. Items can include tennis shoes, socks, shorts, T-shirt, swimsuit, etc.) |
| <u>Clothing</u> |
| Children's clothing: Items can include coat, gloves, season appropriate clothing, underwear, socks, swimsuit) |
| <u>Health Care</u> |
| Uninsured mental health, medical, eye care (Documentation from medical or insurance provider for need and lack of coverage) |
| Uninsured dental, orthodontic (Documentation from medical or insurance provider for need and lack of coverage) |
| Uninsured medications (Documentation from medical or insurance provider for need and lack of coverage) |
| Special dietary needs not covered by food stamps or community resources (Documentation from medical provider required) |
| <u>Other Expenses</u> |
| Bus pass (child only for work or education related transportation) |
| Infant or toddler child safety car seat one per child per the legal age/weight requirements) |
| Storage fee (only if homeless) |
| Children's furniture rental or purchase |
| Crib – total of one per child, age appropriate |
| Highchair – total of one per child, age appropriate |
| Bed – one per child, age appropriate |
| Community based recreational activity fees (Documentation from the facility. Facilities such as Boys/Girls Club, YMCA, County Community Recreation facilities, Scouting Organizations, etc.) |

Section 3.5 - What do I teach in money management training?

When instructed by DSHS, you provide money management training to the participant. Complete the Protective Payee Periodic Social Services Report (DSHS 01-110A) to document the money management services.

You must develop a written training plan for all assigned participants referred for mismanagement of funds. The goal of the mandatory training is for participants to understand what money they have and what bills should take priority. If the participant has a bank account, have them bring in their statements, review them with the participant to ensure they know how to read the statement, and balance the account.

Many participant's do not have bank accounts, making it difficult for them to cash checks and do banking transactions. Knowing how to get, maintain, and balance a checking/debit card account is one goal of money management training.

Training should progressively recognize a participant's increasing level of ability and responsibility, e.g. give them checks to mail or deliver as they show an understanding of the importance of paying bills on time.

Chapter 4: DSHS Monitoring

Section 4.1 - Is my contract monitored by DSHS?

DSHS staff will monitor your contract every six months. Monitoring includes on-site visits to both you and the Community Services Offices. Staff review fiscal records and compliance with the conditions of the contract, case records, and reports. Monitoring reports are provided to the Division of Management and Operations Support (DMOS), to the local CSO Administrator, the Protective Payee, and Divisions Employment Assistance Programs (DEAP). Your records must be available for review by DSHS at any time.

Chapter 5: Glossary, Forms and WAC

Section 5.1 - Glossary

| | |
|--------------------------------|---|
| Basic Needs | These are the things that public assistance is intended to help provide. Included (but not limited to) are housing, utilities, clothing, and food. Other items, such as diapers for a baby, can be added on a case by case basis. |
| Case Manager | A DSHS employee with experience in administering public assistance to participants. The case manager acts as a coordinator of services. |
| Child SafetyNet Payment (CNSP) | After sixty months on TANF/SFA, parents who are in sanction or enter sanction will be placed into Child SafetyNet Payment status. This payment will be sent to the Protective Payee and may be used only to pay for verified rent and utilities. The remaining money is used to pay for the child(rens') needs. |
| Closing month | Closing month service is the month after distribution of the last check. |
| DSHS | Department of Social and Health Services |
| GA | General Assistance: A state funded public assistance program for people who are temporarily disabled and unable to work. |
| NSA | Necessary Supplemental Accommodations: Some participants have special needs that make them unable to respond to usual communication and instructions. These participants may need additional reminders or an alternative means for providing information. |
| SFA | State Family Assistance- A state funded assistance program that provides comparable benefits to TANF. Participants who were not eligible for TANF due to changes in citizenship criteria may be eligible for this program. |
| Social Worker | A DSHS employee with education and experience in complex social issues. Social Workers are assigned to difficult and complex cases, such as those with special needs and teen parents. |

| | |
|-----------|--|
| SSA | The Social Security Administration (SSA) is a federal agency responsible for administering the Social Security Act. It includes such programs as Social Security Retirement, Social Security Disability, and Supplemental Security Income (SSI). |
| TANF | Temporary Assistance to Needy Families. The federal program for families with children in need. |
| WCCC | Working Connections Child Care (WCCC): A child care assistance program for low-income families. |
| WorkFirst | Washington's TANF/SFA program moves people into employment and away from state cash assistance. |

Section 5.2 Forms

Protective Payee forms are available on the DSHS Forms and Records Management Services Web Site. The link is provided below:

<http://www.wa.gov/dshs/dshsforms/forms/eforms.html>

- 01 - 110 Protective Payee Report
- 01 - 110A Protective Payee Periodic Social Services Report
- 01 - 110B Protective Payee Quarterly Fiscal Report
- 01 - 110C Protective Payee Report Continuation
- 09 – 842 Referral to AAG to Petition for Limited Guardianship
- 14 - 349 Protective Payee Plan
- 14 – 349A Protective Payee Assessment
- 14 - 426 Protective Payee Vendor Case Assignment and Closure

Section 5.3 WAC (Washington Administrative Code)

WAC 388-460-0001 Who may be issued cash, child care, medical and food assistance benefits.

Cash and child care assistance may be issued in the name of the following persons:

A client who is the recipient of the benefits;

An ineligible parent or other relative getting benefits on behalf of an eligible child;

A person, facility, organization, institution or agency acting as a protective payee or representative payee for a client;

A guardian or agent acting on behalf of a client; or

A vendor of goods or services supplied to an eligible client.

When medical coverage accompanies cash assistance, the medical identification (MAID) card for the assistance unit members is issued in the name of the person listed as payee for the cash benefit.

For other medical assistance units, the MAID card is issued to the person named as the head of the assistance unit.

Food assistance benefits are issued to the person named as the head of the food assistance unit.

WAC 388-460-0020 Who is a protective payee?

(1) A protective payee is a person or an employee of an agency who manages client cash benefits to provide for basic needs - housing, utilities, clothing, child care, and food. They may also provide services such as training clients how to manage money.

(2) Clients are assigned to protective payees for the following reasons:

(a) Emergency or temporary situations where a child is left without a caretaker (TANF/SFA) per WAC 388-460-1200,

(b) Mismanagement of money (TANF/SFA, GA, or WCCC) per WAC 388-460-1250,

(c) Non-cooperation with WorkFirst program requirements per WAC 388-310-1600 or 1650, or

(d) Pregnant or parenting minors per WAC 388-460-1275.

[Statutory Authority: [RCW 74.08.090. 98-24-051](#), § 388-265-1150, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1150, filed 5/3/94, effective 6/3/94. Formerly parts of [WAC 388-33-440](#) and 388-33-455.]

WAC 388-460-0025 Who can be a protective payee?

- (1) Clients may ask for a particular protective payee, but the department makes the final choice.
- (2) Protective payees must contract with the department, except for employees of the department who are assigned this function as part of their job duties.
- (3) The contracted protective payee and their staff must pass a criminal background check according to the criteria in WAC 388-06-0170, 0180 and 0190.
- (4) A departmental employee acting as a protective payee must have a criminal background check and cannot:
 - (a) Have the client in their caseload,
 - (b) Have the client in the caseloads of other employees under their supervision,
 - (c) Be responsible for determining or issuing benefits for the client,
 - (d) Be the office administrator, or
 - (e) Be a special investigator.
- (5) For TANF/SFA, a department employee cannot act as a protective payee when the department has legal custody or responsibility for placement and care of the child.

[Statutory Authority: [RCW 74.08.090. 98-24-051](#), § 388-265-1155, filed 11/25/98, effective 12/26/98.]

WAC 388-460-0030 When is an emergency or temporary protective payee (TANF/SFA) used?

An emergency or temporary protective payee is assigned when a caretaker relative or adult acting in loco parentis per WAC 388-454-0005 is not available to take care of and supervise a child due to an emergency.

[Statutory Authority: [RCW 74.08.090. 98-24-051](#), § 388-265-1200, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1200, filed 5/3/94, effective 6/3/94. Formerly [WAC 388-33-420](#) (part).]

WAC 388-460-0035 When is a protective payee assigned for mismanagement of funds?

The decision to assign a person to a protective payee because of mismanagement of funds must be based on law or with proof the client is unable to manage their cash benefits. The proof must be current and show how this threatens the well being of a child or client on TANF/SFA, GA or WCCC. Examples of proof are:

- (a) Department employees or others observe that the client or client's children are hungry, ill, or not adequately clothed;
- (b) Repeated requests from the client for extra money for basic essentials such as food, utilities, clothing, and housing.
- (c) A series of evictions or utility shut off notices within the last twelve months.
- (d) Medical or psychological evaluations showing an inability to handle money.
- (e) Persons having had an ADATSA assessment and who are participating in ADATSA-funded chemical dependency treatment.
- (f) Not paying an in-home child care provider for services when payment has been issued to the client by the department for that purpose.
- (g) A complaint from businesses showing a pattern of failure to pay bills or rent.
- (h) Using public assistance Electronic Benefits Transfer (EBT) card or cash obtained through EBT to purchase or pay for lottery tickets, pari-mutuel wagering, or any of the activities authorized under RCW chapter 9.46.
- (2) A lack of money or a temporary shortage of money because of an emergency does not constitute mismanagement.
- (3) When a client has a history of mismanaging money, benefits can be paid through a protective payee or directly to a vendor.

[Statutory Authority: [RCW 74.08.090](#), [98-24-051](#), RCW 74.04.0052; RCW 74.12.255 § 388-265-1250, filed 11/25/98, effective 12/26/98. Statutory Authority: [RCW 74.04.050](#), [43.20A.550](#) and [74.08.090](#). 97-02-047, § 388-265-1250, filed 12/30/96, effective 1/30/97. Statutory Authority: [RCW 74.08.090](#). 94-10-065 (Order 3732), § 388-265-1250, filed 5/3/94, effective 6/3/94. Formerly parts of [WAC 388-33-420](#), 388-33-430, 388-33-440 and 388-33-455.]

WAC 388-460-0040 When is a protective payee assigned to TANF/SFA pregnant or parenting minors?

Pregnant or parenting minors who are not emancipated under court order must be assigned to protective payees if the clients are:

- (1) Head of a household and
- (2) Under age 18 and
- (3) Unmarried and
- (4) Pregnant or have a dependent child.

[Statutory Authority: [RCW 74.08.090](#), [98-24-051](#), § 388-265-1275, filed 11/25/98, effective 12/26/98. Statutory Authority: [RCW 74.08.090](#) and [74.04.057](#). 97-20-128, § 388-265-1275, filed 10/1/97, effective 11/1/97. Statutory Authority: [Chapter 74.12 RCW](#) and E2 SHB 2798. 94-20-040 (Order 3785), § 388-265-1275, filed 9/28/94, effective 10/29/94.]

WAC 388-460-0045 Are clients in WorkFirst sanction status assigned protective payees?

- (1) Clients in sanction status for non-cooperation or non-participation in WorkFirst work activities are assigned to protective payees following the rules in

WAC 388-310-1600 and 1650.

(2) Clients in sanction status remain in protective payee status until they cooperate with WorkFirst and the sanction is removed, as long as they are receiving assistance.

[Statutory Authority: [RCW 74.08.090. 98-24-051](#), § 388-265-1300, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1300, filed 5/3/94, effective 6/3/94. Formerly [WAC 388-33-450](#) (part).]

WAC 388-460-0050 When is a client transferred from a protective payee to guardianship?

(1) In emergency cases where a person is physically or mentally unable to manage their own funds, the client is referred to other divisions of the department for full care, including guardianship.

(2) In cases where a child is eligible for TANF/SFA and the caretaker relative does not use the benefits for adequate care of the child, the case can be referred to the attorney general to establish a limited guardianship.

(3) Guardianships are used only if it appears there is a need for services that are expected to last longer than two years.

(4) These guardianships are limited to management of DSHS benefits.

(5) The protective payee plan is changed if a guardian is appointed. The guardian is designated as the payee.

[Statutory Authority: [RCW 74.08.090. 98-24-051](#), RCW 74.12.250 § 388-265-1375, filed 11/25/98, effective 12/26/98.]

WAC 388-460-0055 What are the protective payee's responsibilities?

(1) The protective payee's responsibilities are to:

(a) Manage client cash and child care assistance benefits to pay bills for basic needs, such as housing and utilities, or as directed in the protective payee plans,

(b) Provide money management for client if this item is included in the protective payee plans,

(c) Encourage clients to comply with WorkFirst and other program requirements, such as getting a job or attending school, and

(d) Provide reports to the department on client progress.

[Statutory Authority: [RCW 74.08.090. 98-24-051](#), § 388-265-1450, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1450, filed 5/3/94, effective 6/3/94. Formerly [WAC 388-33-455](#) (part).]

WAC 388-460-0060 When are protective payee plans done?

A protective payee plan may be developed when a case is assigned to a protective payee.

- (1) A copy of the plan is provided to the protective payee and the client.
- (2) All cases must be reviewed:
 - (a) After an initial three-month period and
 - (b) At least every six months beyond the initial period for on going cases.
- (3) Reviews include evaluation of:
 - (a) The need for the client to continue in protective payee status; or
 - (b) The need to change the plan; or
 - (c) The client's potential to assume control of their funds (or be removed from protective payee status); and
 - (d) Protective payee performance.

[Statutory Authority: [RCW 74.08.090](#), [98-24-051](#), § 388-265-1500, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1500, filed 5/3/94, effective 6/3/94. Formerly parts of [WAC 388-33-442](#), 388-33-448 and 388-33-458.]

WAC 388-460-0065 When is the protective payee status ended and how is a protective payee changed?

A client may be removed from a protective payee status when a:

- (1) Protective payee requests the client be reassigned; or
- (2) The department assigns a different protective payee; or
- (3) Protective payee is no longer required.

[Statutory Authority: [RCW 74.08.090](#), [98-24-051](#), § 388-265-1600, filed 11/25/98, effective 12/26/98; 94-10-065 (Order 3732), § 388-265-1600, filed 5/3/94, effective 6/3/94. Formerly parts of [WAC 388-33-446](#) and 388-33-457.]

WAC 388-460-0070 What are your fair hearing rights regarding protective payment?

You have the right for a fair hearing if you disagree with the department's decision to:

- (1) assign payment of benefits through a protective payee, or
- (2) continue the assignment, or
- (3) change the protective payee selected for you, or
- (4) change the contents of your protective payee plan.

[Statutory Authority: [RCW 74.08.090](#), [74.08.280](#), 00-19-078, § 388-265-1650, filed 9/19/00, effective 10/20/00. Statutory Authority: [RCW 74.08.090](#), 94-10-065 (Order 3732), § 388-265-1650, filed 5/3/94, effective 6/3/94. Formerly [WAC 388-33-459](#).]